

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DAVID S. CHANEY
Chief Assistant Attorney General
3 FRANCES T. GRUNDER
Senior Assistant Attorney General
4 MICHAEL W. JORGENSEN
Supervising Deputy Attorney General
5 CYNTHIA C. FRITZ, State Bar No. 200147
Deputy Attorney General
6 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
7 Telephone: (415) 703-5793
Fax: (415) 703-5843
8 Email: Cynthia.Fritz@doj.ca.gov

9 Attorneys for Defendants R. Loza, R. Singh and D.
Sandoval

11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE EASTERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 **JAHIR ALBERTO ROJAS,**

16 Plaintiff,

17 v.

18 **R. LOZA, Correctional Officer, R. SINGH,**
19 **Correctional Officer, D. SANDOVAL, Correctional**
Officer,

20 Defendants.
21

C 07-4662 MMC

**DECLARATION OF N.
GRANNIS IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS**

22 I, N. GRANNIS, declare as follows:

23 1. I am employed by the California Department of Corrections and Rehabilitation
24 (CDCR) as the Chief of the Inmate Appeals Branch. As part of my duties, I am an authorized
25 custodian of records of the Inmate Appeals Branch. I am competent to testify to the matters set
26 forth in this declaration, and if called upon to do so, I would and could so testify. I submit this
27 declaration in support of Defendant's Motion to Dismiss.

28 2. I am familiar with the sections of Title 15 of the California Code of Regulations that

Decl. of N. Grannis in Supp. Mot. to Dismiss

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1 govern an inmate appeal. Section 3084.5 describes the levels of appeal that are available to an
2 inmate. Section 3084.5(e)(2) provides that "[t]hird level review constitutes the director's
3 decision on an appeal, and shall be conducted by a designated representative of the Director
4 under supervision of the chief, inmate appeals." Form CDC 602 is used by an inmate when the
5 inmate files an administrative appeal. The Form CDC 602 informs the inmates of how to
6 proceed "if dissatisfied" with a particular level of decision.

7 3. The director's decision exhausts the administrative remedy available to an inmate
8 within the CDCR. The director's decision also advises an inmate that the decision constitutes the
9 exhaustion of administrative remedies available to the inmate within the CDCR.

10 4. The Inmate Appeals Branch keeps an electronic record of each inmate appeal that has
11 proceeded through the final level of review, the Director's Level, also referred to as the third
12 level. When an appeal is received by the Inmate Appeals Branch and is accepted for review, it
13 will be given an appeal number and will be logged into the system. The system was commenced
14 in 1993. The following information is kept in the electronic record: appeal log number, the
15 category (nature/subject) of the appeal, institutional log number, inmates' name and CDCR
16 number, institution where the appeal arose, the date that the appeal is received and closed, and
17 the final disposition of the appeal.

18 5. Inmate-appeal records are made at or near the time that the inmate grievances are
19 investigated and decided, and they are made by a person with knowledge of the matters
20 addressed, or according to information provided by a person with knowledge of those matters.
21 These appeal records are made and kept in the course of regularly conducted activity, as a regular
22 practice.

23 6. The Inmate Appeals Branch does not keep copies of appeals that have been screened
24 out. These appeals are returned to the inmate with a letter that explains the reason for the screen
25 out and instructs the inmate what to do if the inmate disagrees with the lower-level disposition of
26 the appeal. The Inmate Appeals Branch does, however, keep the following information in the
27 electronic record for screen outs: IAB log number; category (nature/subject) of the appeal;
28 institutional log number of the appeal (if available); inmate name and CDCR number; institution

1 where the appeal arose; date that the appeal is received; date the appeal is screened out; and the
2 reason for the screen out.

3 7. A search of the computerized system has been conducted under the inmate name Jahir
4 Rojas, CDCR number P-58734.

5 8. Attached as exhibit A is a true and correct copy of the Inmate Appeals Branch computer
6 printout report of each inmate appeal that was submitted by Inmate Rojas that was accepted and
7 considered for review at the Director's level from 1993 through 2008 or which were screened out
8 from 2000 through 2008.

9 9. Exhibit A shows inmate appeal bearing institutional log number SVSP-D-07-01389 was
10 screened out twice because it was not completed through the second level of appeal before it was
11 submitted for review at the Director's Level. Therefore, appeal SVSP-C-07-01389 was not
12 exhausted at the Director's Level.

13 I declare under penalty of perjury that the foregoing is true and correct. Executed at
14 Sacramento, California, on June 18, 2008.

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17 N. Grannis
18 Chief, Inmate Appeals Branch
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EXHIBIT A

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
Inmate / Parolee Appeals Tracking System - Level III

Appellant Appeal History

CDCR Number: P58734

Sorted By: CDCR Number

CDCCR Number	Appellant Name	Location	Arrival Date	Alerts (Type, Start, End)	Special Needs		
P58734	ROJAS, JAHIR	COR	01/11/2008				
Accepted Appeals							
IAB Number	Issue	Issue Subcategory	Accepted Date	Inst. Log Number	Due Date	Closed Date	Disposition
0311269	DISCIPLINARY	Prior to subcategory	04/21/2004	CAL-03-01281	07/16/2004	07/12/2004	DENIED
Screen Outs							
IAB Number	Issue	Issue Subcategory	Received Date	Inst. Log Number	Screened Out	Response Due	Reason
0311269	DISCIPLINARY	Prior to subcategory	03/11/2004	CAL-03-01281	03/11/2004		MISSING DOCUMENTATION
0708955	STAFF COMPLAINTS		09/14/2007	SVSP-07-01389	10/25/2007		APPEAL REJECTED/MTDRAWN/CAN
5038226	STAFF COMPLAINTS	Prior to subcategory	05/02/2007	SVSP-07-01389	05/02/2007		MUST BE COMPLETED THROUGH 2ND LEVEL